

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

**CITYNET, LLC**, on behalf  
of the United States of America,

Plaintiff/Relator,

v.

Civil Action No. 2:14-cv-15947  
Judge John T. Copenhaver

**FRONTIER WEST VIRGINIA, INC.**, a  
West Virginia corporation, **KENNETH  
ARNDT**, individually, **DANA WALDO**,  
individually, **MARK McKENZIE**,  
individually, **JIMMY GIANATO**, individually, and  
**GALE GIVEN**, individually,

Defendants.

**STATE DEFENDANTS' AND CITYNET, LLC'S  
JOINT NOTICE OF SETTLEMENT**

NOW COME Defendants, Jimmy Gianato and Gale Given, by counsel, and Plaintiff/Relator Citynet, LLC, by counsel, and jointly announce to the Court that these parties have reached an agreement between them that would fully settle all claims against Jimmy Gianato and Gale Given via compromise. This agreement still needs to be approved by the United States of America. As such, the parties cannot, at this time, submit an agreed order on the settlement and distribution and/or seek approval of the settlement. However, the parties are hopeful that such approval from the United States of America will be given and that remaining issues on this settlement can be resolved as early as the end of this week. Thereafter, the parties will notify the Court that there is an agreement on the settlement and disbursement of the proceeds, and they will file an appropriate motion seeking approval of the settlement and distribution of the same.

**CITYNET, LLC**

By Counsel,

/s/ Rebecca Pomeroy

Rebecca Pomeroy (WVSB #8800)

**BAILEY & GLASSER**

P.O. Box 326

Bridgeport, WV 26330

**and**

**GALE GIVEN AND JIMMY GIANATO**

By Counsel,

/s/ Geoffrey Cullop

Geoffrey A. Cullop (WVSB #11508)

**PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC**

901 Quarrier St

Charleston, WV 25301

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individually, **KELLY GOES**, individually,  
**JIMMY GIANATO**, individually, and  
**GALE GIVEN**, individually,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned counsel for defendants, Jimmy Gianato and Gale Given, does hereby certify on this 29<sup>th</sup> day of August, 2022, that a true copy of the foregoing "**STATE DEFENDANTS' AND CITYNET, LLC'S JOINT NOTICE OF SETTLEMENT**" was served upon counsel of record by utilizing the CM/ECF filing system.

By Counsel,

/s/ Geoffrey Cullop  
Stephen M. Fowler (WVSB #5113)  
Geoffrey A. Cullop (WVSB #11508)  
Omar D. Ahmad (WVSB #10804)

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